

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas

FILED

UNITED STATES DISTRICT COURT

JAN 02 2019

for the

Southern District of Texas, Brownsville

David J. Bradley, Clerk of Court

United States of America
v.
Hilario VALDEZ-MARTINEZ

Case No.

B-19-101-MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 31, 2018 in the county of Cameron in the
Southern District of Texas, the defendant(s) violated:*Code Section*
18 USC 922 (n)*Offense Description*
It shall be unlawful for any person who is under felony indictment for a crime punishable by imprisonment for a term exceeding one year, to receive any firearm which has been shipped or transported in interstate commerce.

This criminal complaint is based on these facts:

See Attachment A for more details.

☒ Continued on the attached sheet.

Complainant's signature

Amanda Schweiner, Special Agent ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: January 2, 2019City and state: Brownsville, Texas
Judge's signatureIgnacio Torteya III, United States Magistrate Judge
Printed name and title

United States District Court
Southern District of Texas
FILED

JAN 02 2019

David J. Bradley, Clerk of Court

AO 91 (Rev. 2/09) Criminal Complaint

ATTACHMENT A

B-19-101-MJ

On December 21, 2018, ATF Brownsville Field Office (BFO) agents received information that an individual, later identified as Hilario VALDEZ-MARTINEZ, was attempting to acquire a .308 caliber rifle. Your affiant reviewed court documents which revealed VALDEZ-MARTINEZ has been under felony indictment, in the 103rd Judicial District Court of Cameron County, since October 2018, for possession with intent to deliver a controlled substance.

Following the identification of VALDEZ-MARTINEZ and his prohibited status, an ATF undercover (UC) agent began communicating with VALDEZ-MARTINEZ by telephone. VALDEZ-MARTINEZ asked the UC agent to purchase a firearm on his behalf, specifically a .308 caliber rifle. VALDEZ-MARTINEZ explained to the UC agent that he would provide him the cash needed to purchase this firearm.

On December 31, 2018, the UC agent informed VALDEZ-MARTINEZ that a Federal Firearm Licensee (FFL) located in Harlingen, Texas a DPMS, Panther Arms .308 caliber rifle in stock for \$910. On this date, VALDEZ-MARTINEZ and the UC agent at the FFL, where VALDEZ-MARTINEZ provided the UC agent \$910 to purchase the firearm, and gave the UC agent an extra \$100 as payment.

After the UC agent purchased the DPMS rifle, they met with VALDEZ-MARTINEZ in the FFL parking lot. VALDEZ-MARTINEZ took this firearm into his possession, and placed it into his vehicle, where it was later recovered by agents.

Soon after VALDEZ-MARTINEZ placed the firearm in his vehicle, he was arrested by ATF agents and transported to the BFO field office for an interview. VALDEZ-MARTINEZ was read his Miranda rights, which he waived and agreed to speak to agents. VALDEZ-MARTINEZ informed your affiant that he was aware he was under felony indictment and therefore unable to purchase or receive firearms.

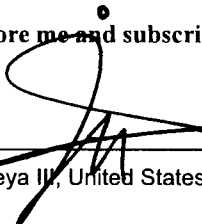
VALDEZ-MARTINEZ also admitted to asking the ATF UC to purchase a firearm on his behalf.

Your affiant has been advised that the DPMS rifle, which VALDEZ-MARTINEZ took into his possession, was not manufactured in the state of Texas.



Amanda Schweiner, Special Agent ATF

Sworn to before me and subscribed in my presence,



Ignacio Forteya III, United States Magistrate Judge

January 2, 2019

Date